

ORIGINAL

**Before The
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

)

Advanced Television Systems
and Their Impact Upon the
Existing Television Broadcast
Service

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)

)

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MM Docket No. 87-268

To: The Commission

OPPOSITION TO PAPPAS PETITION FOR RECONSIDERATION

Mountain Lake Public Telecommunications Council ("MLPTC"), by its counsel,
opposes the "Petition for Reconsideration" filed April 20, 1998 in this proceeding by
Pappas Telecasting of America (the "Pappas Petition").

Pappas takes issue with the FCC's failure in the *Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order*. FCC 98-24 (released February 23, 1998), to protect a pending petition for rulemaking and accompanying application by Pappas for NTSC Channel 38 at Vergennes, Vermont. In particular, Pappas states that the allotment of Channel 38 as the DTV paired channel for MLPTC's noncommercial educational station WCFE-TV, Plattsburgh, New York, would preclude the use of Channel 38 on an NTSC basis by Pappas at Vergennes. Pappas therefore urges the Commission "in its coordination efforts with Canada" to arrange to have one of the

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"many" vacant Canadian NTSC channels substituted for the WCFE-TV Channel 38 DTV allotment at Plattsburgh.^{1/}

MLPTC is not un-sympathetic to the concerns underlying the Pappas Petition and understands why Pappas might want some consideration to be given to its investment in the petition and application at Vergennes (although MLPTC points out that the simultaneous filing of a petition and application in those circumstances has to have been understood to be a risky investment). Unfortunately, however, MLPTC, as a public broadcaster, cannot support open-ended proposals that third parties make for their benefit that could result in negative impact on MLPTC. MLPTC has no idea what channel, if any, the Commission might be able to negotiate with Canada as a replacement for DTV Channel 38 at Plattsburgh, and it does not want to risk ending up with a less desirable channel than it has already been given. In MLPTC's own June 13, 1997 Petition for Reconsideration in this proceeding, MLPTC pointed out the concerns it had with high UHF channels.

In its Petition for Reconsideration, MLPTC urged that the Commission allot Channel 13 as the paired DTV channel for WCFE-TV instead of Channel 38, and in a

^{1/} Curiously, Pappas does not explain why the Commission shouldn't negotiate with Canada to find a substitute channel for Pappas' proposal at Vergennes, Vermont, rather than MLPTC's DTV allotment at Plattsburgh. Such an approach would let Pappas take the risk of ending up with a less desirable channel, rather than MLPTC.

Supplement filed August 22, 1997 (a copy of which is attached to this Opposition^{2/}), MLPTC showed that DTV Channel 13 (with a power/height limitation of 3.2 kw at 741.3 m HAAT) could work at Plattsburgh. Unfortunately, for reasons not clearly specified in the *Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order*, at ¶¶ 583-586, the Commission denied MLPTC's request. MLPTC did not request further reconsideration. However, if and only if the Commission were to be able to substitute Channel 13 for Channel 38 as MLPTC requested, and if Pappas were to be willing to reimburse MLPTC for its participation in this proceeding, MLPTC would support Pappas' use of Channel 38 as an NTSC allotment at Vergennes.

Finally, MLPTC is concerned about the continuing risk of potential involuntary changes to stations' DTV allotments generated by reconsideration petitions such as the one filed by Pappas. These petitions create uncertainty, inhibit planning and unnecessarily complicate and slow the transition to digital. MLPTC needs to know with certainty and finality which channel it may use at Plattsburgh so that it can engage in appropriate planning, order equipment and undertake the myriad other tasks necessary to enable it to go digital.

^{2/} The WCFE-TV Petition and Supplement incorrectly referred to MLPTC as "Mountain Lake Public Broadcasting, Inc." Mountain Lake Public Telecommunications Council is the licensee's official corporate name, but it often uses Mountain Lake Public Broadcasting as a tradename.

Therefore, MLPTC objects to changing the DTV allotment for WCFE-TV to some unknown channel that might be negotiated with Canada. If the Commission were to be able to allot DTV Channel 13 for use by WCFE-TV, however, MLPTC would support the use of Channel 38 at Vergennes. MLPTC also urges the Commission to resolve all uncertainties with respect to DTV channel allotments quickly and finally.

Respectfully submitted,

MOUNTAIN LAKE PUBLIC
TELECOMMUNICATIONS COUNCIL

By: _____

Todd D. Gray

Todd D. Gray
Its Attorney

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May 26, 1998

STAMP & RETURN

Before The
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Advanced Television Systems) MM Docket No. 87-268
and Their Impact Upon the)
Existing Television Broadcast)
Service)

RECEIVED
AUG 20 1997
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Commission

SUPPLEMENT TO PETITION FOR RECONSIDERATION

Mountain Lake Public Broadcasting, Inc. ("WCFE"), licensee of noncommercial educational television station WCFE, Channel *57, Plattsburgh, New York, by its counsel, hereby supplements its June 13, 1997 Petition for Reconsideration ("Petition") of the *Sixth Report and Order* in MM Docket No. 87-268, FCC 97-115 (released April 21, 1997) ("*Sixth R&O*"). WCFE sought relief from the *Sixth R&O* insofar as it allotted DTV Channel *38 as WCFE's paired digital TV channel.^{1/}

As described more fully in the Petition, requiring WCFE to use DTV Channel *38 would cause substantial and unnecessary hardship. WCFE stated that it was engaging in engineering studies and anticipated being able to confirm that Channel *13 would work as WCFE's DTV allotment. The purpose of this Supplement is to demonstrate that Channel *13 is indeed available as requested by WCFE.

^{1/} In the *Order*, DA 97-1377 (released July 2, 1997), the Chief, Office of Engineering and Technology, provided parties requesting reconsideration of individual DTV allotments until August 22, 1997 to submit supplemental information relating to their petitions.

WCFE's engineer has studied the allocation situation relevant to the use of DTV Channel *13 at Plattsburgh. As reflected in the attached Engineering Statement (and assuming a power/height combination of 3.2 kW at 741.3 meters HAAT), WCFE could operate DTV Channel *13 without causing interference to any existing NTSC or proposed DTV station. A very small amount of interference would be experienced by the WCFE DTV station from two existing NTSC stations, but the areas of interference would be less than 1% of the station's coverage. WCFE would accept this interference.

Therefore, WCFE requests that the DTV Table of Allotments be modified to specify DTV Channel *13 as the paired DTV channel for WCFE, instead of Channel *38.^{2/}

^{2/} WCFE has been served with "Consolidated Comments to Petitions for Reconsideration of the Fifth Report and Order and Sixth Report and Order" by Heritage Media Corporation. Heritage makes reference to WCFE's Petition and its request for substitution of Channel *13 for Channel *38 at Plattsburgh, and urges the FCC not to accommodate reallocation requests that would put Heritage stations "at an unfair competitive advantage." Heritage's Comments do not specify what unfair advantage would be secured by WCFE's proposed DTV channel change, especially given WCFE's status as a noncommercial educational television station that does not compete with Heritage in the commercial marketplace. In any event, if Heritage makes further filings that actually purport to provide any basis for an objection to WCFE's proposal, WCFE reserves the right to respond.

WCFE understands that Trinity Christian Center of Santa Ana, Inc., d/b/a Trinity Broadcasting Network ("TBN"), in an effort to protect a TV translator station, urged the FCC to substitute DTV Channel 13 for 16 as the allotment for WVNY-TV, Channel 22 in Burlington, Vermont. WCFE urges the FCC to conclude that the protection of a secondary translator service cannot and does not override the public interest concerns that form the basis for WCFE's request to use Channel *13 at Plattsburgh.

WCFE also reserves the right to respond to other parties who, at this supplement deadline, identify DTV channels or make other proposals that would be inconsistent with the WCFE proposal.

- 3 -

Respectfully submitted,

MOUNTAIN LAKE PUBLIC
BROADCASTING, INC.

By: Todd D. Gray
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Its Attorney

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August 22, 1997

ENGINEERING STATEMENT

The enclosed set of maps (coverage and interference studies) were produced by the Institute of Telecommunications Sciences (ITS) of the National Telecommunication and Information Agency (NTIA).

These studies were done to insure the validity of the Maximum Service Television Associations' selection of a Channel 13 allotment for Mountain Lake Public Telecommunications Council. The engineering study incorporates the methodology employed by the Commission and OET 69.

As Map 1A shows, no interference is caused to existing NTSC or proposed DTV assignments. There is projected to be less than 1% interference to this proposal by two existing NTSC stations and a 99.98% match to the existing NTSC service. This map is referred to as "unclipped." It shows the full extent of coverage and interference.

Map 1B is a "clipped" version of DTV 50/90 coverage and interference essentially replicating the existing NTSC coverage. There is virtually no interference caused to or from existing NTSC or proposed DTV assignments.

NTSC/DTV Interference study /taservice/restart/ks065Aug1597B.desc

Desired Station Name: DWCFETV Station Type: HDTV
 City: PLATTSBURG State: NY Channel: 13
 Undesired Station 1 Name: DWTXN Station Type: HDTV
 City: WATERBURY State: CT Channel: 12 km:360.0 mi:223.7 bear:168.5
 Undesired Station 2 Name: WGMETV Station Type: NTSC
 City: PORTLAND State: ME Channel: 13 km:283.0 mi:175.9 bear:106.4
 Undesired Station 3 Name: WNYT Station Type: NTSC
 City: ALBANY State: NY Channel: 13 km:213.2 mi:132.5 bear:174.4
 Undesired Station 4 Name: WBNGTV Station Type: NTSC
 City: BINGHAMTON State: NY Channel: 12 km:337.2 mi:209.6 bear:210.4
 Undesired Station 5 Name: WOKR Station Type: NTSC
 City: ROCHESTER State: NY Channel: 13 km:343.3 mi:213.3 bear:241.0
 Undesired Station 6 Name: CFCFTV Station Type: NTSC
 City: MONTREAL State: QU Channel: 12 km: 92.9 mi: 57.7 bear: 14.1
 Undesired Station 7 Name: WPRITV Station Type: NTSC
 City: PROVIDENCE State: RI Channel: 12 km:377.3 mi:234.5 bear:145.2
 Undesired Station 8 Name: DWPRITV Station Type: HDTV
 City: PROVIDENCE State: RI Channel: 13 km:377.3 mi:234.5 bear:145.2

Stations that actually do contribute to interference.

Name	NTSC Int	HDTV Int
WGMETV	15.67 sq km	.00 sq km
WNYT	337.66 sq km	.00 sq km
CFCFTV	679.60 sq km	.00 sq km

Signal below minimum

Area: 79880. sq km

Population: 918000.

Households: 333000.

NTSC Interference

Area: 1040. sq km

Population: 5000.

Households: 2000.

HDTV Interference

Area: 0. sq km

Population: 0.

Households: 0.

No Interference

Area: 41640. sq km

Population: 412000.

Households: 142000.

NTSC/DTV Interference study /taservice/restart/ks065Aug1597C.desc

Desired Station Name: DWCFETV Station Type: HDTV

City: PLATTSBURG State: NY Channel: 13

Undesired Station 1 Name: DWTXX Station Type: HDTV

City: WATERBURY State: CT Channel: 12 km:360.0 mi:223.7 bear:168.5

Undesired Station 2 Name: WGMETV Station Type: NTSC

City: PORTLAND State: ME Channel: 13 km:283.0 mi:175.9 bear:106.4

Undesired Station 3 Name: WNYT Station Type: NTSC

City: ALBANY State: NY Channel: 13 km:213.2 mi:132.5 bear:174.4

Undesired Station 4 Name: WBNGTV Station Type: NTSC

City: BINGHAMTON State: NY Channel: 12 km:337.2 mi:209.6 bear:210.4

Undesired Station 5 Name: WOKR Station Type: NTSC

City: ROCHESTER State: NY Channel: 13 km:343.3 mi:213.3 bear:241.0

Undesired Station 6 Name: CFCFTV Station Type: NTSC

City: MONTREAL State: QU Channel: 12 km: 92.9 mi: 57.7 bear: 14.1

Undesired Station 7 Name: WPRITV Station Type: NTSC

City: PROVIDENCE State: RI Channel: 12 km:377.3 mi:234.5 bear:145.2

Undesired Station 8 Name: DWPRITV Station Type: HDTV

City: PROVIDENCE State: RI Channel: 13 km:377.3 mi:234.5 bear:145.2

Stations that actually do contribute to interference.

Name	NTSC Int	HDTV Int
WNYT	15.69 sq km	.00 sq km

Signal below minimum

Area: 105880. sq km

Population: 1065000.

Households: 383000.

NTSC Interference

Area: 20. sq km

Population: 0.

Households: 0.

HDTV Interference

Area: 0. sq km

Population: 0.

Households: 0.

No Interference

Area: 16660. sq km

Population: 270000.

Households: 94000.

Message Segment (/taservice/output/cspm/CS065Aug1597B.sum):

Communications System Performance Model

Input Summary

21-Apr-97 22:41:13

Process Filename: CS065Aug1597B.ques

1) Model: Point-to-point irregular terrain model
 2) Output option: Field intensity
 3) Length units: Metric (km and m)
 4) Service Application: Broadcast
 5) Results option: Mail only
 FAX number: 000-000-0000
 6) Location variability: 50.00 %
 7) Time availability: 90.00 %
 8) Situation variability: 50.00 %
 10) Frequency: 213.000 MHz
 11) Polarization: Horizontal
 12) Conductivity: .005 S/m
 13) Dielectric constant: 15.0
 14) Climate zone: Continental temperate
 20) Transmitter name: DWCFETV
 21) Transmitter location:
 Latitude Longitude
 Deg N Deg W
 44.6953 44,41,43.0 73.8833 73,53, .0
 22) Xmtr site elevation: 1098.3 m 3603.4 ft
 23) Xmtr ant ht AMSL: 1241.00 m 4071.52 ft
 23) Xmtr ant ht AGL: 142.69 m 468.14 ft
 24) Transmitter radiation option: ERP
 24) Effective Radiated Power: 3200.0 W
 Effective Isotropic Radiated Power: 5249.9 W
 30) Transmitter ant horiz pattern: Directional
 31) Directional ant reference azimuth: .0 deg E of N

Horizontal directional pattern data

No.	Azimuth (True N) (deg)	Azimuth (ref) (deg)	Gain relative to pattern maximum (dB)
1	.00	.00	-.08
2	3.00	3.00	-.25
3	6.00	6.00	-.29
4	9.00	9.00	-.48
5	12.00	12.00	-.56

6	15.00	15.00	-.59
7	18.00	18.00	-.75
8	21.00	21.00	-.83
9	24.00	24.00	-.94
10	27.00	27.00	-1.05
11	30.00	30.00	-1.13
12	33.00	33.00	-1.27
13	36.00	36.00	-1.41
14	39.00	39.00	-1.66
15	42.00	42.00	-1.91
16	45.00	45.00	-2.19
17	48.00	48.00	-2.55
18	51.00	51.00	-2.82
19	54.00	54.00	-3.19
20	57.00	57.00	-3.55
21	60.00	60.00	-3.83
22	63.00	63.00	-4.22
23	66.00	66.00	-4.48
24	69.00	69.00	-4.89
25	72.00	72.00	-5.25
26	75.00	75.00	-5.66
27	78.00	78.00	-6.11
28	81.00	81.00	-6.58
29	84.00	84.00	-6.96
30	87.00	87.00	-7.42
31	90.00	90.00	-7.79
32	93.00	93.00	-8.36
33	96.00	96.00	-8.96
34	99.00	99.00	-9.54
35	102.00	102.00	-10.04
36	105.00	105.00	-10.56
37	108.00	108.00	-11.15
38	111.00	111.00	-11.68
39	114.00	114.00	-12.50
40	117.00	117.00	-13.41
41	120.00	120.00	-14.21
42	123.00	123.00	-14.96
43	126.00	126.00	-15.75
44	129.00	129.00	-16.45
45	132.00	132.00	-17.13
46	135.00	135.00	-17.95
47	138.00	138.00	-18.68
48	141.00	141.00	-19.28
49	144.00	144.00	-19.75
50	147.00	147.00	-20.29
51	150.00	150.00	-20.63
52	153.00	153.00	-20.71
53	156.00	156.00	-20.73
54	159.00	159.00	-20.73
55	162.00	162.00	-20.70

56	165.00	165.00	-20.70
57	168.00	168.00	-20.71
58	171.00	171.00	-20.81
59	174.00	174.00	-20.80
60	177.00	177.00	-20.78
61	180.00	180.00	-20.75
62	183.00	183.00	-20.84
63	186.00	186.00	-20.79
64	189.00	189.00	-20.74
65	192.00	192.00	-20.86
66	195.00	195.00	-20.77
67	198.00	198.00	-20.85
68	201.00	201.00	-20.89
69	204.00	204.00	-20.83
70	207.00	207.00	-20.89
71	210.00	210.00	-20.89
72	213.00	213.00	-20.39
73	216.00	216.00	-19.91
74	219.00	219.00	-19.36
75	222.00	222.00	-18.46
76	225.00	225.00	-17.57
77	228.00	228.00	-16.61
78	231.00	231.00	-15.56
79	234.00	234.00	-15.15
80	237.00	237.00	-14.70
81	240.00	240.00	-14.10
82	243.00	243.00	-13.22
83	246.00	246.00	-12.35
84	249.00	249.00	-11.51
85	252.00	252.00	-10.97
86	255.00	255.00	-10.37
87	258.00	258.00	-9.91
88	261.00	261.00	-9.33
89	264.00	264.00	-8.81
90	267.00	267.00	-8.25
91	270.00	270.00	-7.67
92	273.00	273.00	-7.30
93	276.00	276.00	-6.84
94	279.00	279.00	-6.42
95	282.00	282.00	-6.10
96	285.00	285.00	-5.69
97	288.00	288.00	-5.20
98	291.00	291.00	-4.86
99	294.00	294.00	-4.52
100	297.00	297.00	-4.09
101	300.00	300.00	-3.70
102	303.00	303.00	-3.45
103	306.00	306.00	-3.17
104	309.00	309.00	-2.82
105	312.00	312.00	-2.55

106	315.00	315.00	-2.25
107	318.00	318.00	-1.82
108	321.00	321.00	-1.51
109	324.00	324.00	-1.30
110	327.00	327.00	-1.19
111	330.00	330.00	-1.02
112	333.00	333.00	-.84
113	336.00	336.00	-.69
114	339.00	339.00	-.55
115	342.00	342.00	-.34
116	345.00	345.00	-.31
117	348.00	348.00	-.16
118	351.00	351.00	-.05
119	354.00	354.00	.00
120	357.00	357.00	.00

32) Transmitter ant vert pattern: Beam tilt, directional

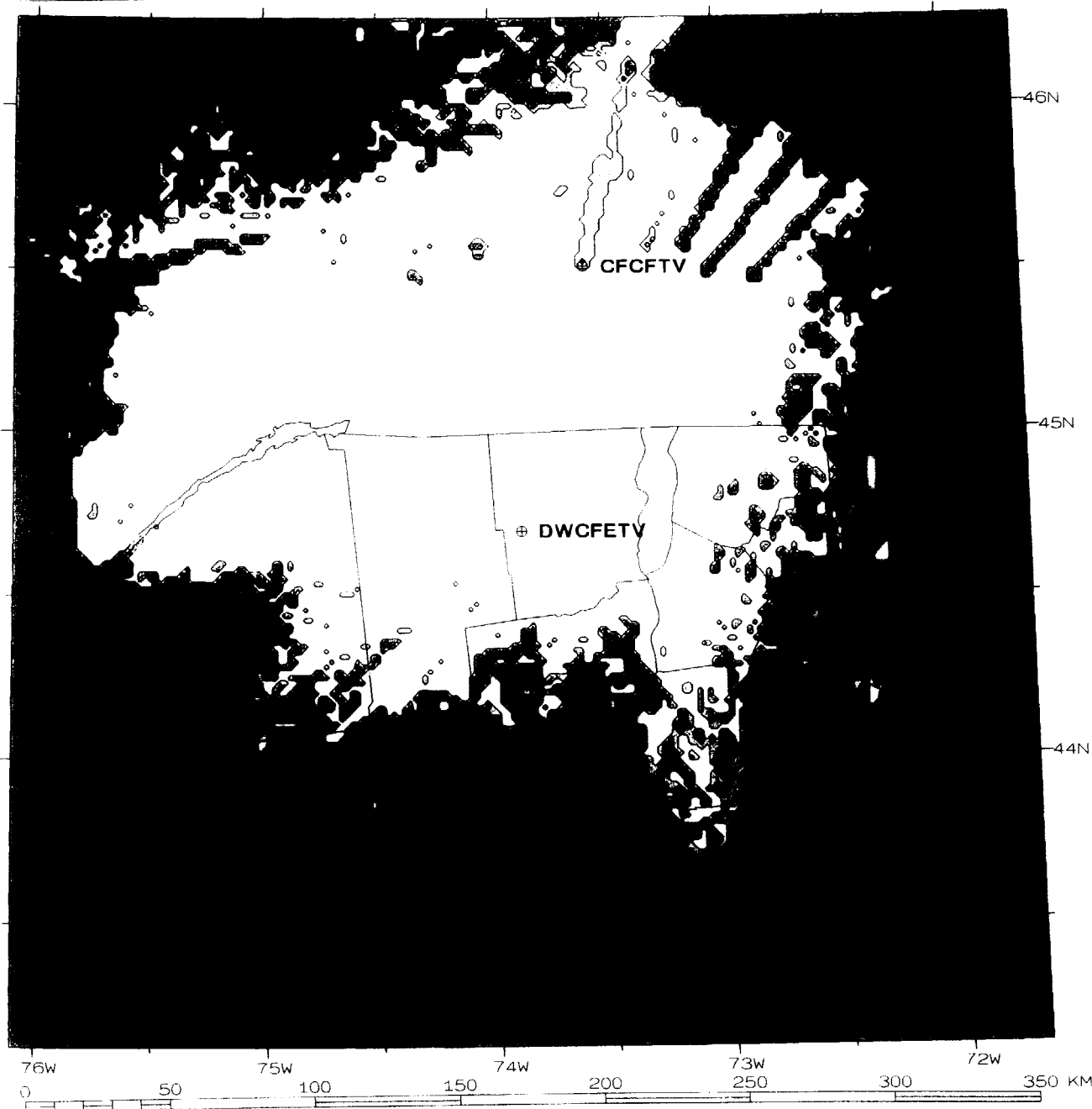
Vertical directional pattern data

No.	Elevation (deg)	Relative field radiation	Gain relative to pattern maximum (dB)
---	-----	-----	-----
1	-10.00	.25000	-12.04
2	-9.00	.28000	-11.06
3	-8.00	.28000	-11.06
4	-7.00	.28000	-11.06
5	-6.00	.33000	-9.63
6	-5.00	.47000	-6.56
7	-4.00	.65000	-3.74
8	-3.50	.73000	-2.73
9	-3.00	.82000	-1.72
10	-2.50	.89000	-1.01
11	-2.00	.94000	-.54
12	-1.50	.97000	-.26
13	-.75	1.00000	.00
14	10.00	1.00000	.00

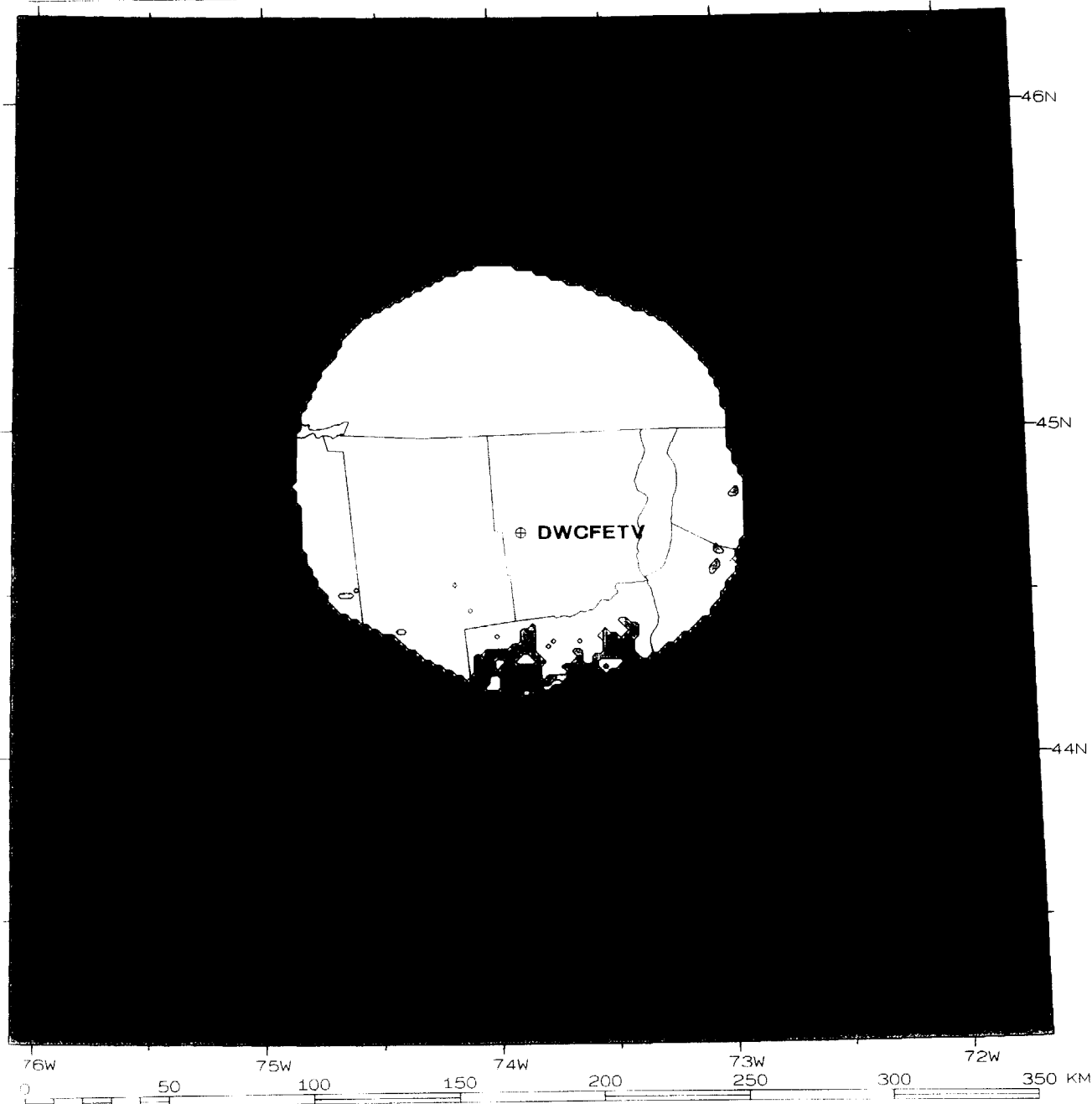
40) Rcvr ant ht above ground: 9.10 m 29.86 ft
 56) Corporate name: TA Services
 57) Color option: B & W
 58) Scale option: No Scale
 59) Quality option: High
 60) Plot name: LR 50/90
 62) Plot center:

	Latitude	Longitude
	Deg N	Deg W
	44.6953 44,41,43.0	73.8833 73,53, .0
63) Plot size:		350.00 km 217.48 mi
64) Plot Roads option:	No Roads	
66) Field intensity contour levels:		
	1) 35.80 dBuV/m	
66) Contour Legend label:	Field Intensity(dBuV/m)	
66) Contour labels and colors:		
	Contour levels	Labels
	-----	-----
	1 Less than 35.80	Less than 35.80
	2 Greater than 35.80	Greater than 35.80
67) Political boundaries:		County and State
68) Landmarks:	None	

TA Services
 Charlie Zarbo
 DWCFE/13
 21-Apr-97 22:41:13
 RS065Aug1597B.ques



TA Services
 Charlie Zarbo
 DWCFE/13 Clipped
 21-Apr-97 22:41:13
 RS065Aug1597C.ques



Signal to Interference ratio

<input type="checkbox"/>	No Interference
	Area: 16660. sq km
	Population: 270000.
	Households: 94000.
<input type="checkbox"/>	HDTV Interference
	Area: 0. sq km
	Population: 0.
	Households: 0.
<input type="checkbox"/>	NTSC Interference
	Area: 20. sq km
	Population: 0.
	Households: 0.
<input type="checkbox"/>	Signal below minimum
	Area: 105880. sq km
	Population: 1065000.
	Households: 383000.

CERTIFICATE OF SERVICE

I certify that I have this 22nd day of August, 1997, served copies of the foregoing "Supplement to Petition for Reconsideration" by First Class U.S. Mail or by hand delivery upon the following:

Tom W. Davidson, P.C.
Akin, Gump, Strauss, Hauer & Feld, L.L.P.
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Suite 609
Washington, D.C. 20007
Counsel for TBN

Handwritten signature of Patricia M. Kelley in cursive script.

CERTIFICATE OF SERVICE

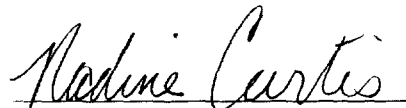
I certify that I have this 26th day of May, 1998, served copies of the foregoing "Opposition to Pappas Petition for Reconsideration" by First Class U.S. Mail or by hand delivery upon the following:

Mr. Roy J. Stewart
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*denotes service by hand delivery